



Journal of the House

State of Indiana

121st General Assembly

Second Regular Session

Fifth Day

Thursday Morning

January 9, 2020

The invocation was offered by Pam Russell of Public Servants Prayer.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Macer.

The Speaker ordered the roll of the House to be called:

Abbott	Jackson
Austin	Jordan
Aylesworth	Judy
Bacon	Karickhoff
Baird	Kirchhofer
Barrett	Klinker
Bartels	Lauer
Bartlett	Lehe
Bauer	Lehman
Beck	Leonard
Behning	Lindauer
Borders	Lucas
Boy	Lyness
T. Brown	Macer
Burton	Manning
Campbell	May
Candelaria Reardon	Mayfield
Carbaugh	McNamara
Cherry	Miller
Chyung	Moed <input type="checkbox"/>
Clere	Morris
Cook	Morrison
Davisson	Moseley
Deal	Negele
DeLaney	Nisly
DeVon	Pfaff
Dvorak <input type="checkbox"/>	Pierce
Eberhart <input type="checkbox"/>	Porter
Ellington	Prescott
Engleman	Pressel
Errington	Pryor
Fleming	Saunders
Forestal	Schaibley
Frye	Shackleford
GiaQuinta	Sherman
Goodin	Smaltz
Goodrich	V. Smith
Gutwein	Soliday
Hamilton	Speedy
Harris	Steuerwald
Hatcher	Stutzman
Hatfield <input type="checkbox"/>	Sullivan
Heaton	Summers
Heine	Thompson
Hostettler	Torr
Huston	VanNatter <input type="checkbox"/>

Vermilion
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 6: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 13, 2020, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1006 as introduced.)

Committee Vote: Yeas 12, Nays 1.

KIRCHHOFFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1014, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1014 as introduced.)

Committee Vote: Yeas 12, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1027, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1027 as introduced.)

Committee Vote: Yeas 7, Nays 5.

PRESSEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 3, line 3, after "services," insert "**behavioral health treatment and recovery services,**".

Page 3, line 22, delete "pending".

Page 3, line 23, after "initiatives;" delete "and".

Page 3, line 25, delete "priorities." and insert "**priorities; and**".

Page 3, between lines 25 and 26, begin a new line block indented and insert:

"(5) the office of judicial administration concerning veterans problem-solving court grants."

Page 3, line 26, beginning with "(e)" begin a new paragraph.

Page 5, line 22, delete "treatment;" and insert "**treatment and recovery services;**".

Page 5, after line 30, begin a new paragraph and insert:

"SECTION 4. An emergency is declared for this act."

(Reference is to HB 1047 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1067, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 42, after "curriculum" insert "**, consisting of pharmacology, biochemistry, anatomy of nitrous oxide administration, and the mechanics of operating a nitrous unit,**".

(Reference is to HB 1067 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

Kirchhofer, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 1

Representatives Errington, DeVon, Campbell, GiaQuinta, Karickhoff, Schaibley, Ziemke, Zent, Vermilion, Sherman, Wesco, Stutzman, Jordan, Borders, Fleming, VanNatter, Bacon, Kirchhofer, Boy, Beck, DeLaney, Mayfield, Chyung, Negele, Morris, Candelaria Reardon, Bauer, Austin, Jackson, Pfaff, Klinker, Macer, Hatfield and Bartlett introduced House Resolution 1:

A HOUSE RESOLUTION recognizing FIRST Indiana Robotics and FIRST Indiana Robotics teams.

Whereas, Accomplished inventor Dean Kamen founded FIRST (For Inspiration and Recognition of Science and Technology) in 1989 to inspire an appreciation of science and technology in young people;

Whereas, Thirty years later, FIRST is a multinational organization that designs accessible and innovative programs to build self-confidence, knowledge, and life skills while motivating young people to pursue opportunities in science, technology, and engineering;

Whereas, FIRST Indiana Robotics (FIRST IN) was founded in 2001 to bring FIRST programming to students in grades K-12 and teach hands-on skills in engineering, science, and technology to promote learning in and outside of the classroom;

Whereas, FIRST IN programming inspires students across Indiana to form teams to compete in district, state, and world championship events in what is frequently called "The Super Bowl of Smarts";

Whereas, An estimated 453 school-based and community-based teams operate across Indiana;

Whereas, A sampling of these teams includes: FIRST LEGO League Jr. from Lincoln Elementary School in Perry Township; FIRST Tech Challenge Team Cyberstorm from Center Grove High School in Greenwood; FIRST Tech Challenge Team Pride Robotics in Muncie; and FIRST Robotics Competition Team 1720 PhyXTGears in Delaware County;

Whereas, PhyXTGears, a community-based team founded in 2006, advanced through the district and state championships to compete at the World Championship level in 2019;

Whereas, PhyXTGears competed with over 400 teams on the world stage in Detroit, Michigan, representing Indiana and the high quality programming available to students through FIRST IN; and

Whereas, PhyXTGears team Vice President Mike Koch was chosen as the FIRST IN regional and district Woodie Flowers Award recipient for his mentorship and skills to effectively communicate the art and science of engineering and design to students: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives recognizes the hard work and dedication of students and the support provided by mentors, parents, teachers, and staff that make FIRST Indiana Robotics programs a success across Indiana.

SECTION 2. That the House of Representatives recognizes PhyXTGears, Team 1720 for its many achievements during the 2019 season.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Sue Errington for distribution.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:36 a.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1100, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 3. IC 33-34-8-1, AS AMENDED BY P.L.39-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.
- (2) The bailiff's service of process by registered or certified mail fee of ~~thirteen dollars (\$13)~~ **fifteen dollars (\$15)** for each service.
- (3) The cost for the personal service of process by the bailiff or other process server of ~~thirteen dollars (\$13)~~ **fifteen dollars (\$15)** for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-37-5-20.
- (7) An automated record keeping fee under IC 33-37-5-21.
- (8) A late fee, if any, under IC 33-37-5-22.
- (9) A public defense administration fee under IC 33-37-5-21.2.
- (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- (11) A judicial salaries fee under IC 33-37-5-26.
- (12) A court administration fee under IC 33-37-5-27.
- (13) Before July 1, 2022, a pro bono legal services fee under IC 33-37-5-31.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 4. IC 33-37-12-1, AS ADDED BY P.L.78-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This chapter applies to any amount that the clerk of a circuit court **or the clerk of a city or town court** is required to collect from a person, including:

- (1) bail;
- (2) a fine;
- (3) a civil penalty;
- (4) a court fee, court cost, or user fee imposed by the court; or
- (5) a fee for the preparation, duplication, or transmission of a document.

(b) This chapter does not apply to child support funds received by the clerk of a circuit court under IC 33-32-4."

Page 2, line 41, strike "three dollars (\$3)" and insert "**five dollars (\$5)**".

Renumber all SECTIONS consecutively.
(Reference is to HB 1100 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

ZENT, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1001

Representative DeVon called down House Bill 1001 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1002

Representative Cook called down House Bill 1002 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1002-2)

Mr. Speaker: I move that House Bill 1002 be amended to

read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-28-9-1.5, AS AMENDED BY P.L.211-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan under any of the following circumstances:

- (1) The teacher
 - (A) teaches an advanced placement course or a Cambridge International course. ~~or~~
 - (B) ~~has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:~~
 - (i) ~~a dual credit course;~~ or
 - (ii) ~~another course;~~
- (2) Beginning after June 30, 2018, the teacher:
 - (A) is a special education professional; or
 - (B) teaches in the areas of science, technology, engineering, or mathematics.
- (3) Beginning after June 30, 2019, the teacher teaches a career or technical education course.

~~In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in math, reading, or literacy. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).~~

(b) Increases or increments in a local salary range must be based upon a combination of the following factors:

- (1) A combination of the following factors taken together may account for not more than fifty percent (50%) of the calculation used to determine a teacher's increase or increment:
 - (A) The number of years of a teacher's experience.
 - (B) The possession of either:
 - (i) ~~a master's degree or an additional degree content area degrees~~ beyond the requirements for employment; or
 - (ii) ~~a master's degree or an additional degree content area degrees~~ and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.
- (C) ~~The attainment of professional development training beyond any training necessary to complete teacher licensing requirements.~~

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) To provide greater flexibility and options, a school corporation may differentiate the amount of salary increases or increments determined for teachers under subsection (b)(4). A school corporation shall base a differentiated amount under this subsection on any academic needs the school corporation

determines are appropriate, which may include the:

- (1) subject or subjects, including the subjects described in subsection (a)(2), taught by a given teacher;
- (2) importance of retaining a given teacher at the school corporation; and
- (3) need to attract an individual with specific qualifications to fill a teaching vacancy.

(d) A school corporation may provide differentiated increases or increments under subsection (b), and in excess of the percentage specified in subsection (b)(1), in order to:

- (1) reduce the gap between the school corporation's minimum teacher salary and the average of the school corporation's minimum and maximum teacher salaries; or
- (2) allow teachers currently employed by the school corporation to receive a salary adjusted in comparison to starting base salaries of new teachers.

(e) Except as provided in subsection (f), a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(f) Subsection (e) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

(g) A teacher who does not receive a raise or increment under subsection (e) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(h) The Indiana education employment relations board established in IC 20-29-3-1 shall publish a model compensation plan with a model salary range that a school corporation may adopt.

(i) Each school corporation shall submit its local compensation plan to the Indiana education employment relations board. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The Indiana education employment relations board shall publish the local compensation plans on the Indiana education employment relations board's Internet web site.

(j) The Indiana education employment relations board shall review a compensation plan for compliance with this section as part of its review under IC 20-29-6-1.1. The Indiana education employment relations board has jurisdiction to determine compliance of a compensation plan submitted under this section.

(k) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

(l) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 7, 2020.)

V. SMITH

Upon request of Representatives Pryor and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 7: yeas 30, nays 61. Motion failed. The bill was ordered engrossed.

Representative Heine, who had been present, is now excused.

House Bill 1007

Representative T. Brown called down House Bill 1007 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1007-12)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 21. (a) Before October 1 of each year beginning 2021 and ending 2041, the budget agency shall report to the budget committee the bond avoidance costs attributable to the appropriations for university building projects set forth in HEA 1007-2020, based on a reasonable range of bond interest rates available in 2020 and the best estimate of what the initial bond financing costs would have been in 2020.**

(b) The report required by subsection (a) must show for each cost item, the costs:

- (1) unadjusted for inflation; and**
- (2) adjusted for inflation.**

(c) The budget agency meets the requirement of subsection (a) if the budget agency sends the report or a link to the report electronically as a reports received submission."

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 Digest Correction as printed January 7, 2020.)

PORTER

Upon request of Representatives Porter and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 8: yeas 29, nays 61. Motion failed.

HOUSE MOTION (Amendment 1007-11)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 2, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The following definitions apply throughout this SECTION:**

- (1) The definitions in IC 20-43-1.**
- (2) "Department" has the meaning set forth in IC 20-18-2-3.**
- (3) "Eligible school corporation" means a school corporation that was in existence on both January 1, 2010, and January 1, 2020.**

(b) There is appropriated to the department two hundred ninety-six million five hundred sixty-two thousand six hundred seventy-two dollars and ninety-six cents (\$296,562,672.96) from the state general fund to pay a special distribution known as the "Final resolution of the ten year tuition support delay to Indiana public schools" to eligible school corporations in the manner prescribed by this SECTION.

(c) The amount of the special distribution that an eligible school corporation is entitled to receive under this SECTION is equal to the last of the following STEPS:

STEP ONE: Divide:

- (A) the amount expected to be distributed to the eligible school corporation for basic tuition support beginning July 1, 2019, and ending June 30, 2020; by**
- (B) the total amount expected to be distributed to all eligible school corporations for basic tuition support beginning July 1, 2019, and ending June 30, 2020.**

STEP TWO: Multiply:

- (A) the amount appropriated under subsection (b); by
- (B) the STEP ONE result.

(d) The department shall make the special distributions determined under subsection (c) to each eligible school corporation before June 1, 2020.

(e) An eligible school corporation is encouraged to use the money received under this SECTION for teacher compensation.

(f) This SECTION expires January 1, 2021."

Page 3, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 Digest Correction as printed January 7, 2020.)

PORTER

Upon request of Representatives Porter and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 9: yeas 30, nays 60. Motion failed.

HOUSE MOTION
(Amendment 1007-1)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee the topic of increasing state support of public postsecondary educational institutions and to determine the effect of increased state support on student borrowing. The interim study committee should consider whether increasing state support would decrease costs, including room and board, for students who are Indiana residents.

(b) The interim study committee shall include its recommendations in the interim study committee's final report.

(c) This SECTION expires January 1, 2021."

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 Digest Correction as printed January 7, 2020.)

DELANEY

Motion withdrawn.

HOUSE MOTION
(Amendment 1007-16)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 22-4.1-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Chapter 28. Paid Family and Medical Leave Program

Sec. 1. As used in this chapter, "act" refers to the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) as in effect on July 1, 2020.

Sec. 2. As used in this chapter, "application year" is the twelve (12) month period beginning on the first day of the calendar week during which an individual files an application for program benefits.

Sec. 3. As used in this chapter, "benefit payments" means payments to a covered individual under the program.

Sec. 4. As used in this chapter, "commissioner" refers to the commissioner of the department appointed under IC 22-4.1-3-1.

Sec. 5. As used in this chapter, "covered individual" means an individual who:

- (1) is eligible for program benefit payments under section 21 of this chapter; and

- (2) meets the application and other administrative requirements of this chapter.

Sec. 6. As used in this chapter, "covered service member" means one (1) of the following:

- (1) A member of the armed forces, including a member of the National Guard or reserves, who is:

- (A) undergoing medical treatment, recuperation, or therapy;
- (B) otherwise in outpatient status; or
- (C) otherwise on the temporary disability retired list;

for a serious injury or illness that was incurred by the member in the line of duty on active duty in the armed forces, or a serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces.

- (2) A former member of the armed forces, including a former member of the National Guard or reserves, who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness that was incurred by the member in the line of duty on active duty in the armed forces, or a serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces and manifested before or after the member was discharged or released from service.

Sec. 7. As used in this chapter, "department" refers to the department of workforce development established by IC 22-4.1-2-1.

Sec. 8. As used in this chapter, "employee" means an individual who works directly for an employer under an express or implied contract of hire.

Sec. 9. As used in this chapter, "employer" has the meaning set forth in IC 6-3-1-5. The term includes the following:

- (1) The state.
- (2) A political subdivision.

Sec. 10. As used in this chapter, "family member", with respect to a covered individual, means the following:

- (1) A biological, adopted, or foster:
 - (A) child;
 - (B) stepchild; or
 - (C) legal ward;
 of the covered individual, regardless of age.
- (2) A biological, adoptive, or foster:
 - (A) parent;
 - (B) stepparent; or
 - (C) legal guardian;
 of the covered individual or the covered individual's spouse.
- (3) An individual to whom the covered individual is legally married under the laws of any state.
- (4) A biological, adoptive, or foster:
 - (A) grandparent;
 - (B) stepgrandparent;
 - (C) grandchild;
 - (D) stepgrandchild;
 - (E) sibling; or
 - (F) stepsibling;
 of the covered individual or the covered individual's spouse.

Sec. 11. As used in this chapter, "fund" refers to the family and medical leave fund established by section 19 of this chapter.

Sec. 12. As used in this chapter, "health care provider" means a person licensed under federal or state law to provide medical or emergency services, including a doctor, nurse, emergency room personnel, or certified midwife.

Sec. 13. As used in this chapter, "next of kin" has the

meaning set forth in 29 U.S.C. 2611(17).

Sec. 14. As used in this chapter, "program" refers to the paid family and medical leave program established under section 17 of this chapter.

Sec. 15. As used in this chapter, "qualifying exigency leave" means leave for a need arising from a covered individual's family member's active duty service or notice of an impending call or order to active duty in the armed forces, including:

- (1) providing for the care or other needs of the military member's child or other family member;
- (2) making financial or legal arrangements for the military member;
- (3) attending counseling;
- (4) attending military events or ceremonies;
- (5) spending time with the military member during a rest and recuperation leave or following return from deployment; or
- (6) making arrangements following the death of the military member.

Sec. 16. As used in this chapter, "serious health condition" has the meaning set forth in 29 U.S.C. 2611(11).

Sec. 17. (a) Not later than January 1, 2022, the department shall establish and administer a paid family and medical leave program through which a covered individual may receive benefit payments as described in section 21 of this chapter.

(b) The department shall do the following:

(1) Establish reasonable procedures and forms for filing:

- (A) employer and employee payroll contributions to the fund under section 20 of this chapter; and
- (B) claims for program benefits.

(2) Specify necessary documentation to support a claim for program benefits, including any documentation required from a health care provider for proof of a serious health condition.

(3) Notify the employer of an individual who applies for program benefits not more than five (5) business days after a claim for program benefits is filed.

(4) Use information sharing and integration technology to facilitate the disclosure of relevant information or records, as consented to by the individual under state law.

(5) Adopt rules under IC 4-22-2 to implement this chapter.

Sec. 18. (a) Information concerning an individual described in this chapter is confidential and may be used only for the purposes of this chapter.

(b) An individual described in subsection (a) or an authorized representative of the individual may review and receive information described in subsection (a) upon the presentation of the individual's signed authorization.

Sec. 19. (a) The family and medical leave fund is established for the purpose of providing family and medical leave program benefit payments to covered individuals. The fund shall be administered by the department.

(b) The fund consists of appropriations from the general assembly and payroll contributions under section 20 of this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continually appropriated for the

purpose of funding the program.

Sec. 20. (a) The department shall annually determine the amount of payroll contributions necessary to finance program benefits.

(b) Employers shall make contributions to the fund in an amount determined under subsection (a), not to exceed four-tenths of one percent (0.4%) of an employee's wage in a twelve (12) month period. Employers may deduct up to fifty percent (50%) of the contribution determined under subsection (a) from the employee's wages.

Sec. 21. An individual is eligible for program benefit payments if the individual:

(1) either:

(A) earned at least six thousand three hundred dollars (\$6,300) from at least one (1) employer during the twelve (12) month period immediately preceding the date on which the individual submits an application for program benefits; or

(B) is self-employed and opted in under section 27 of this chapter; and

(2) is described in at least one (1) of the following:

(A) Is caring for a child during the first year after the birth, adoption, or foster care placement of the child.

(B) Is caring for a family member with a serious health condition.

(C) Has a serious health condition or pregnancy that makes the individual unable to perform the functions of the employment position described in subdivision (1).

(D) Is caring for a covered service member who is the individual's next of kin.

(E) Is eligible for qualifying exigency leave.

Sec. 22. Beginning July 1, 2022, the department shall make program benefit payments available to an individual who:

(1) is eligible under section 21 of this chapter; and

(2) applies for program benefits under this chapter.

Sec. 23. (a) A covered individual may receive program benefit payments for not more than six (6) weeks during an application year.

(b) A covered individual may not receive program benefit payments for less than eight (8) hours of family and medical leave taken in one (1) work week.

Sec. 24. (a) Subject to subsection (b), the weekly program benefit for family and medical leave is determined as follows:

(1) If the covered individual's average weekly wage is not more than fifty percent (50%) of the state average weekly wage, the employee's weekly benefit is ninety percent (90%) of the covered individual's average weekly wage.

(2) If the covered individual's average weekly wage is greater than fifty percent (50%) of the state average weekly wage, the covered individual's weekly benefit is the sum of:

(A) ninety percent (90%) of the covered individual's average weekly wage up to fifty percent (50%) of the state average weekly wage; plus

(B) fifty percent (50%) of the covered individual's average weekly wage that is greater than fifty percent (50%) of the state average weekly wage.

(b) The maximum weekly program benefit payment is an amount equal to the state average weekly wage.

Sec. 25. (a) A covered individual may take paid family and medical leave on an intermittent or reduced leave schedule under which all of the leave is not taken sequentially.

(b) Program benefit payments for an intermittent or reduced leave schedule must be prorated accordingly.

(c) A covered individual shall do the following:

(1) Make a reasonable effort to schedule paid family and medical leave so as not to unduly disrupt the operations of the employer.

(2) To the extent practicable, provide to the employer prior notice of the schedule on which the covered individual will take the family and medical leave.

(d) The total amount of paid family and medical leave available to a covered individual under this chapter is not reduced beyond the actual amount of paid family and medical leave taken under this section.

(e) This section does not entitle a covered individual to receive more paid family and medical leave than the amount of family and medical leave specified in section 23(a) of this chapter.

Sec. 26. (a) An employer shall:

(1) upon hiring;

(2) upon an employee's leave request;

(3) when the employer acquires knowledge that an employee's leave may be qualifying exigency leave; and

(4) annually;

provide to the employee written notice as described in subsection (b).

(b) Notice required by subsection (a) must include the following:

(1) Notice of the employee's right to program benefits and the terms under which family and medical leave may be used.

(2) The amount of program benefit payments to which the employee would be entitled.

(3) The procedure for filing a claim for program benefits.

(4) That discrimination and retaliatory personnel actions against an employee for requesting, applying for, or using program benefits is prohibited.

(5) That the employee has a right to file a complaint for violations of this chapter.

(c) An employer shall display and maintain a poster in a conspicuous place accessible to employees at the employer's place of business that contains the information required by this section.

(d) The commissioner may adopt rules under IC 4-22-2 to establish additional requirements concerning the means by which employers distribute the notice required by this section.

Sec. 27. (a) An individual who is self-employed, including a sole proprietor, partner, or joint venturer, may elect to participate in the program for an initial period of not less than three (3) years.

(b) An individual who is self-employed as described in subsection (a) shall file a notice of election in writing with the commissioner, including all information required by the department.

(c) A notice of election filed under subsection (b) is effective on the date on which the notice is filed.

(d) An individual who is self-employed who has elected to participate in the program under this chapter may withdraw from participation by filing a notice of withdrawal:

(1) less than thirty (30) days after the end of the three (3) year period described in subsection (a); or

(2) at other times provided by the commissioner.

A withdrawal under this subsection takes effect not earlier than thirty (30) days after the notice of withdrawal is filed.

Sec. 28. (a) A person that interferes with, restrains, denies, or attempts to deny the exercise of a provision of this chapter violates this chapter.

(b) An employer, temporary help company, employment agency, employee organization, or other person shall not take retaliatory personnel action or otherwise discriminate against an individual because the individual does any of the following:

(1) Requests, files for, applies for, or uses program benefits.

(2) Communicates to the person or another person an intent to file a claim, a complaint with the department, a court action, or an appeal concerning program benefits.

(3) Testifies, intends to testify, or assists in an investigation, hearing, or proceeding concerning program benefits.

(4) Informs a person concerning an employer's alleged violation of this chapter.

(5) Informs a person of the person's rights under this chapter.

(c) An employer's absence policy may not count paid family and medical leave taken under this chapter as an absence that may lead to or result in discipline, discharge, demotion, suspension, or another adverse employment action.

(d) The protections of this section apply to an individual who in good faith alleges a violation of this chapter, regardless of whether the allegation is mistaken.

(e) The civil rights commission created by IC 22-9-1-4 shall enforce this section.

Sec. 29. Paid family and medical leave taken under this chapter that also qualifies as leave under the act runs concurrently with leave taken under the act.

Sec. 30. (a) An employer may require that program benefit payments made under this chapter be made concurrently, or otherwise coordinated, with payment made or leave allowed under the terms of disability or family care leave under a collective bargaining agreement or an employer policy.

(b) An employer shall provide to each employee written notice of a requirement described in subsection (a).

Sec. 31. This chapter does not diminish an employer's obligation to comply with any of the following that provide more generous leave:

(1) A collective bargaining agreement.

(2) An employer policy.

(3) Another law.

Sec. 32. (a) An individual's right to program benefit payments under this chapter may not be diminished by:

(1) a collective bargaining agreement that is entered into or renewed; or

(2) an employer policy adopted or retained;

after June 30, 2020.

(b) An agreement by an individual to waive the individual's rights under this chapter is void as against public policy.

Sec. 33. An individual's eligibility for program benefits under this chapter does not entitle the individual to job protection beyond the job protection required by the act.

Sec. 34. (a) This chapter does not do the following:

(1) Supersede an employer's obligation to comply with a company policy, law, or collective bargaining agreement that provides greater or additional rights to leave than provided in this chapter.

(2) Curtail the rights, privileges, or remedies of an employee under a collective bargaining agreement or employment contract.

(3) Allow an employer to compel an employee to exhaust rights to sick, vacation, or personal time before or while taking leave under this chapter.

(b) An employer may require that benefit payments under this chapter be made concurrently or otherwise coordinated with payment made or leave allowed under the terms of disability or family care leave under a collective bargaining agreement or employer policy such that the employee will receive the greater of the various benefits that are available for the covered reason.

(c) Leave provided under a collective bargaining

agreement or employer policy that is used by the employee for a covered reason and paid at the same or higher rate than leave available under this chapter counts against the allotment of leave available under this chapter.

(d) An employer shall give each employee written notice of the requirements of this section.

Sec. 35. (a) The department shall establish a process for approving a private plan to be used by the employer to meet the employer's obligations under this chapter.

(b) An employer may apply to the department for approval of a private plan described in subsection (a).

(c) The department may approve an employer's private plan described in subsection (a) if the department determines that the private plan confers all of the same rights, protections, and benefits provided to employees under this chapter, including the following:

(1) Providing paid family and medical leave to a covered individual for the reasons set forth in section 21 of this chapter, for the maximum number of weeks specified in section 23 of this chapter, in a benefit year.

(2) Providing a wage replacement rate during all family and medical leave at least equal to the amount required by section 24 of this chapter.

(3) Imposing no additional conditions or restrictions on the use of paid family or medical leave beyond the conditions or restrictions explicitly authorized by this chapter or rules adopted under this chapter.

(4) Allowing an employee covered under the private plan who is eligible to take paid family and medical leave under this chapter to take paid family or medical leave under the private plan.

Sec. 36. The department shall conduct a public education campaign to inform employees and employers regarding the availability of paid family and medical leave program benefits.

Sec. 37. The department may use state data collection and technology to the extent possible and integrate the program with existing state policies.

Sec. 38. The department shall annually report to the:

(1) legislative council in an electronic format under IC 5-14-6; and

(2) state budget committee;

concerning projected and actual program participation, categorized by purpose of the leave, gender of employee taking leave, employer and employee contributions, fund balances, outreach efforts, and family members for whom leave was taken to provide care."

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 Digest Correction as printed January 7, 2020.)

CAMPBELL

Upon request of Representatives Pryor and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 10: yeas 28, nays 60. Motion failed.

HOUSE MOTION (Amendment 1007-14)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 2, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 3. IC 12-16-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.5. Hoosier Rxtra Program

Sec. 1. The following definitions apply throughout this chapter:

(1) "Cohort 1" means individuals who are:

(A) Indiana residents; and

(B) sixty-five (65) years of age or older.

(2) "Cohort 2" means individuals in a taxable year:

(A) who are Indiana residents;

(B) who are greater than eighteen (18) years of age and less than sixty-five (65) years of age;

(C) whose family income for a taxable year is:

(i) at least one hundred thirty-eight percent (138%); and

(ii) at most two hundred percent (200%);

of the federal income poverty level (as defined in IC 12-15-2-1); and

(D) who are not eligible for Medicaid, including the healthy Indiana plan under IC 12-15-44.2, or any other governmental health care program.

(3) "Eligible individual" means an individual who is in cohort 1 or cohort 2.

(4) "Prescribed medication" means:

(A) a medication that may not be sold to an individual without a prescription; or

(B) an over the counter medication for which the individual receives a prescription.

(5) "Program" refers to the Hoosier Rxtra program established by section 2 of this chapter.

Sec. 2. The Hoosier Rxtra program is established to reduce the financial burden of unreimbursed prescription medications for eligible individuals.

Sec. 3. The office of the secretary shall administer the program.

Sec. 4. The office of the secretary shall design cost reduction and reimbursement procedures that effectively reduce the financial burden of unreimbursed prescription medications for eligible individuals.

SECTION 4. IC 20-51-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. Each state fiscal year, the department shall conduct audits of at least ten percent (10%) of the nonpublic schools that receive money for choice scholarships under this chapter in the immediately preceding state fiscal year.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) There is appropriated to the office of family and social services fifty million dollars (\$50,000,000) from the state general fund for the early education grant pilot program under IC 12-17.2-7.2 (pre-kindergarten education pilot program) beginning July 1, 2020, and ending June 30, 2021. The appropriation in this subsection is in addition to any money appropriated for the pre-kindergarten education pilot program in P.L.108-2019 or any other law.

(b) There is appropriated to the office of family and social services fifty million dollars (\$50,000,000) from the state general fund for the Hoosier Rxtra program established by IC 12-16-1.5-2 beginning July 1, 2020, and ending June 30, 2021.

(c) There is appropriated to the department of homeland security established by IC 10-19-2-1 five million dollars (\$5,000,000) from the state general fund for the Indiana secured school fund established by IC 10-21-1-2 beginning July 30, 2020, and ending July 1, 2021. The appropriation in this subsection is in addition to any money appropriated for secured school safety grants in P.L.108-2019 or any other law.

(d) There is appropriated to the lieutenant governor one hundred thousand dollars (\$100,000) from the state general fund for distribution to the food banks of Indiana beginning July 1, 2020, and ending June 30, 2021.

(e) There is appropriated to the department of education established by IC 20-19-3-1 ninety thousand dollars (\$90,000) from the state general fund beginning July 1, 2020, and ending June 30, 2021, for its use in performing the following:

(1) Preparing a report on where students who were once enrolled in virtual charter schools in Indiana that have now ceased operations subsequently enrolled,

including how many students:

- (A) enrolled in public schools;
- (B) enrolled in charter schools;
- (C) enrolled in other virtual charter schools;
- (D) enrolled in private schools; or
- (E) began home schooling.

The department of education shall present the report to the budget committee before October 1, 2020.

(2) The conduct of audits under IC 20-51-4-13 beginning July 1, 2019, and ending June 30, 2020.

(f) This SECTION expires July 1, 2021.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The following definitions apply throughout this SECTION:

(1) The definitions in IC 20-43-1.

(2) "Department" has the meaning set forth in IC 20-18-2-3.

(b) There is appropriated to the department one hundred eighty-six million dollars (\$186,000,000) from the state general fund for distribution to school corporations in the manner prescribed under subsection (c) for the purpose of paying a one (1) time stipend to the teachers employed in the school corporations.

(c) The amount that a school corporation is entitled to receive under this SECTION bears the same ratio to the basic tuition support that the school corporation is entitled to receive beginning July 1, 2019, and ending July 30, 2020, as the amount appropriated under subsection (b) bears to the total amount appropriated for basic tuition support for all school corporations beginning July 1, 2019, and ending June 30, 2020.

(d) The governing body of a school corporation that receives a distribution under this SECTION shall, before June 1, 2020, pay each teacher employed by the school corporation or charter school on April 1, 2020, a one (1) time stipend equal to an amount that bears the same ratio to the distribution received by the school corporation under this SECTION as the teacher's salary for the pay period including April 1, 2020, bears to the total amount of the salaries paid by the school corporation to teachers for the pay period including April 1, 2020.

(e) The amount actually paid to a teacher under subsection (d) may be reduced accordingly to account for employer taxes, pension contributions, and similar employer paid items associated with the payment of teacher salaries.

(f) Amounts distributed under this SECTION are to be treated as special distributions and may not be used in determining teacher compensation in subsequent collective bargaining negotiations.

(g) This SECTION expires July 1, 2020."

Page 3, delete lines 1 through 10.

(Reference is to HB 1007 Digest Correction as printed January 7, 2020.)

PORTER

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 11: yeas 30, nays 58. Motion failed.

Representative Speedy, who had been present, is now excused.

HOUSE MOTION
(Amendment 1007-3)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 18. University Building Projects Fund

Sec. 1. As used in this chapter, "fund" means the

university building projects fund established by section 2 of this chapter.

Sec. 2. (a) The university building projects fund is established within the state treasury for the purpose of holding money before disbursement to the various state postsecondary educational institutions for the construction projects specified in this chapter as the money is needed.

(b) The fund consists of the following:

(1) Transfers from the state general fund or any other fund or account within the state treasury.

(2) Grants.

(3) Gifts.

(c) The budget agency shall administer the fund.

(d) The expenses of administering the fund shall be paid from the fund.

(e) Money in the fund that is not needed to pay the obligations of the fund may be invested in the same manner that other public money is invested. Interest or other investment income earned on money in the fund shall be held in the fund until the money is transferred periodically from the fund as provided in section 3 of this chapter.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 3. Each calendar quarter, the administrator of the fund shall transfer any interest or other investment income earned on money in the fund to the Indiana secured school fund established by IC 10-21-1-2 to be used for the purposes of the Indiana secured school fund.

Sec. 4. (a) The administrator of the fund shall only disburse the money appropriated under this section as the money is needed for each project specified in subsections (b) through (g).

(b) There is appropriated to Purdue University, West Lafayette, seventy-three million dollars (\$73,000,000) from the fund for its construction of the College of Veterinary Medicine Teaching Hospital.

(c) There is appropriated to Indiana University sixty-two million dollars (\$62,000,000) from the fund for its bicentennial repair and rehabilitation plan.

(d) There is appropriated to Ball State University fifty-nine million nine hundred thousand dollars (\$59,900,000) from the fund for its STEM and Health Professions Facilities Phase III.

(e) There is appropriated to Ivy Tech Community College twenty-nine million eight hundred ninety thousand dollars (\$29,890,000) from the fund for its Columbus Campus Main Building Replacement.

(f) There is appropriated to Indiana State University eighteen million four hundred thousand dollars (\$18,400,000) from the fund for its Academic Facility Renovation Phase Two, Dreiser Hall.

(g) There is appropriated to the University of Southern Indiana forty-eight million dollars (\$48,000,000) from the fund for its Health Professions Classroom Renovation.

(h) Notwithstanding IC 21-33-3, the projects funded in subsections (b) through (g) do not require review by the commission for higher education or an advisory recommendation by the budget committee if the projects were already reviewed by the commission for higher education and recommended by the budget committee before April 1, 2020."

Page 2, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE UPON PASSAGE] **(a)** Before July 1, 2020, the auditor of state shall transfer two hundred ninety-one million one hundred ninety thousand dollars (\$291,190,000) from the state general fund to the university building projects fund established by IC 4-12-18-2.

(b) This SECTION expires July 1, 2020."

Page 3, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 Digest Correction as printed January 7, 2020.)

PORTER

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 12: yeas 29, nays 60. Motion failed.

HOUSE MOTION
(Amendment 1007-6)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "high school" means any combination of grades 9, 10, 11, or 12 at a school maintained by a school corporation (as defined in IC 20-18-2-16(a)).

(b) The legislative council is urged to assign to the interim study committee on education (established by IC 2-5-1.3-4) the task of studying whether the costs for comprehensive school counseling programs, including educational, career, and student assistance services, in high schools should be shifted to a department of education expenditure instead of an expenditure for a school corporation.

(c) This SECTION expires January 1, 2021."

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 Digest Correction as printed January 7, 2020.)

DELANEY

Upon request of Representatives DeLaney and Porter, the Speaker ordered the roll of the House to be called. Roll Call 13: yeas 30, nays 58. Motion failed.

HOUSE MOTION
(Amendment 1007-7)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 1. IC 6-3.1-36 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]:

Chapter 36. Employer Contribution for Qualified Preschool Tax Credit

Sec. 1. As used in this chapter, "contribution" means an amount of money directly provided to a qualified preschool program by a taxpayer on behalf of a qualified employee for use toward the qualified employee's cost for a qualified preschool program.

Sec. 2. As used in this chapter, "employer" has the meaning set forth in Section 3401(d) of the Internal Revenue Code.

Sec. 3. As used in this chapter, "pass through entity" means a:

- (1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) partnership;
- (3) trust;
- (4) limited liability company; or
- (5) limited liability partnership.

Sec. 4. As used in this chapter, "qualified employee" means an individual who:

- (1) is employed for consideration or who renders any other standard of service generally accepted by custom or specified by contract as employment; and
- (2) has a child who:
 - (A) resides with the individual; and
 - (B) is not eligible:
 - (i) for payment for child care through the Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99;

or

(ii) to receive a grant under the prekindergarten pilot program established under IC 12-17.2-7.2.

Sec. 5. As used in this chapter, "qualified preschool program" means a program in which a child who resides with a qualified employee is enrolled or attends that:

(1) provides an educational experience through an age appropriate written curriculum for children who:

- (A) are at least thirty (30) months of age; and
- (B) are not eligible to enter kindergarten; and

(2) is offered by a provider that meets the standards of quality recognized by a Level 3 or Level 4 paths to QUALITY program rating and is a:

- (A) public school, including a charter school;
- (B) child care center licensed under IC 12-17.2-4;
- (C) child care home licensed under IC 12-17.2-5;
- (D) child care ministry registered under IC 12-17.2-6; or
- (E) school that is accredited by the state board of education or a national or regional accreditation agency that is recognized by the state board of education.

Sec. 6. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);
- (2) IC 27-1-18-2 (the insurance premiums tax); and
- (3) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 7. As used in this chapter, "taxpayer" means a person, corporation, partnership, or other entity that:

- (1) has any state tax liability; and
- (2) is the employer of a qualified employee.

Sec. 8. A taxpayer that makes a contribution toward a qualified employee's cost for a qualified preschool program during a taxable year is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer makes the contribution. The amount of a taxpayer's credit is equal to the lesser of the following:

- (1) Twenty percent (20%) of the total amount of contributions that are made by the taxpayer during the taxable year.
- (2) Five thousand dollars (\$5,000).

Sec. 9. To apply a credit against the taxpayer's state tax liability, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department the information that the department determines is necessary for the department to determine whether the taxpayer is eligible for the credit.

Sec. 10. A taxpayer that makes a contribution to a qualified preschool program is considered to have made the contribution on the date that:

- (1) the taxpayer's contribution is postmarked or accepted by a delivery service, for contributions that are submitted to a qualified preschool program by mail or delivery service; or
- (2) the taxpayer's electronic funds transfer is initiated, for contributions that are submitted to a qualified preschool program by electronic funds transfer.

Sec. 11. A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

Sec. 12. A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

Sec. 13. If a pass through entity is entitled to a credit under section 8 of this chapter but does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by
(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 14. The department may adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 Digest Correction as printed January 7, 2020.)

DELANEY

Upon request of Representatives DeLaney and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 14: yeas 30, nays 58. Motion failed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1100 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kirchhofer and V. Smith be added as coauthors of House Bill 1001.

DEVON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lauer and Jackson be added as coauthors of House Bill 1027.

ENGLEMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1032.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodrich and Torr be added as coauthors of House Bill 1038.

SCHAIBLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Shackelford be added as coauthor of House Bill 1042.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McNamara and Pierce be added as coauthors of House Bill 1047.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be added as coauthor of House Bill 1049.

HEATON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as coauthor of House Bill 1059.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Miller be added as coauthor of House Bill 1061.

ELLINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1067.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeVon be added as coauthor of House Bill 1082.

HEATON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Barrett, Shackelford and Fleming be added as coauthors of House Bill 1084.

CAMPBELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ellington be added as coauthor of House Bill 1091.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Eberhart and Abbott be added as coauthors of House Bill 1099.

MANNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Karickhoff and Pryor be added as coauthors of House Bill 1100.

MANNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1108.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative McNamara be added as coauthor of House Bill 1120.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Carbaugh be added as coauthor of House Bill 1130.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Barrett, Austin and Davisson be added as coauthors of House Bill 1141.

FLEMING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pfaff be added as coauthor of House Bill 1144.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of House Bill 1145.

HOSTETTLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pfaff be added as coauthor of House Bill 1147.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frye be added as coauthor of House Bill 1151.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Harris be added as coauthor of House Bill 1166.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Barrett and Fleming be added as coauthors of House Bill 1174.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be added as coauthor of House Resolution 1.

ERRINGTON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 3, 5 and 6 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bacon, the House adjourned at 12:49 p.m., this ninth day of January, 2020, until Monday, January 13, 2020, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives